



City of Vancouver *Zoning and Development By-law*

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CD-1 (380)

*2176 West 10th Avenue, 2179 West 11th Avenue
and 2625-27 Arbutus Street*

By-law No. 7879

(Being a By-law to Amend By-law 3575, being the Zoning and Development By-law)

Effective November 5, 1996

(Amended up to and including By-law No. 9281, dated May 16, 2006)

1 *[Section 1 is not reprinted here. It contains a Standard clause amending Schedule D (Zoning District Plan) to reflect this rezoning to CD-1.]*

2 Intent

The intent of this By-law is to permit development with residential and commercial uses, in a form which complements, and is compatible with, the character of adjacent areas.

Development shall be consistent with the following objectives:

- (a) achieve a built form which is complementary to the form of development of adjacent areas in Kitsilano;
- (b) provide for commercial uses on Arbutus Street;
- (c) achieve housing consistent with the principles of livability and other social and environmental objectives;
- (d) provide links to adjacent areas; and
- (e) provide adequate on-site parking and loading spaces for all uses.

3 Uses

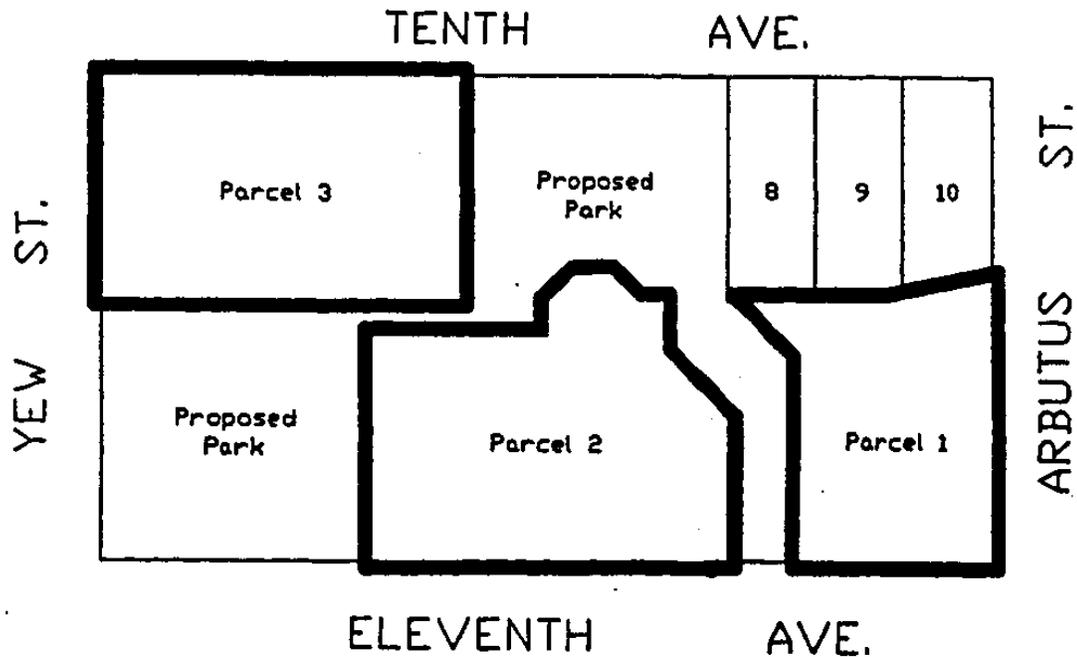
The three areas shown included within the heavy black outlines on Schedule “A” shall be collectively more particularly described as CD-1(380). and the only uses permitted within the outlined areas. subject to such conditions as Council may by resolution prescribe. and the only uses for which development permits will be issued are:

- (a) Child Day Care Facility.
- (b) Cultural and Recreational Uses.
- (c) Dwelling Units, 25 percent of which shall consist of two or more bedrooms and be designed generally in accordance with the Council adopted “High-Density Housing for Families with Children Guidelines”.
- (d) Commercial, Service, and Parking Uses, but limited to Parcel 1 as shown in Diagram 1, and limited to the following: [9281; 06 05 16]
 - (i) Office Uses,
 - (ii) Parking Garage, [9281; 06 05 16]
 - (iii) Retail Uses, but not including Adult Retail Store, Gasoline Station - Full Serve, Gasoline Station - Split Island, and Vehicle Dealer, and [9281; 06 05 16]
 - (iv) Service Uses, but not including Bed and Breakfast Accommodation, Body-rub Parlour, Drive-through Service, Funeral Home, Laboratory, Laundry or Dry Cleaning Plant, Motor Vehicle Repair Shop, Motor Vehicle Wash, Photo finishing or Photography Laboratory, Repair Shop - Class A, and Sign Painting Shop, [9281; 06 05 16]
- (e) Accessory Uses customarily ancillary to the above uses, and
- (f) Interim Uses and Accessory Uses customarily ancillary thereto. provided that:
 - (i) the Development Permit Board considers that the use will be compatible with and not adversely affect adjacent development that either exists or is permitted by this By-law;
 - (ii) the Development Permit Board is satisfied that the use can be easily removed, and is of low intensity or low in capital investment,
 - (iii) the Development Permit Board is satisfied that there is no risk to the public from contaminated soils either on or adjacent to the parcels, and
 - (iv) development permits are limited in time to periods not exceeding three years.

Note: *Information included in square brackets [] identifies the by-law numbers and dates for the amendments to By-law No. 7879 or provides an explanatory note.*

- 4 Parcels
There will be three parcels, generally as illustrated in Diagram 1.

Diagram 1



5 Floor Space Ratio

- 5.1 For the purposes of calculating floor space ratio, parcel areas shall be defined as indicated in Table 1.

Table 1 - Area of Parcels

	Parcel 1	Parcel 2	Parcel 3
Parcel Area	1 535.3 m ²	2 389.0 m ²	2 322.5 m ²

- 5.2 The Development Permit Board may permit a maximum floor space ratio for each parcel as indicated in Table 2, provided that it first considers:

- (a) all applicable policies and guidelines adopted 'by Council;
- (b) the bulk, location and overall design of a building and its effect on the site, surrounding buildings and streets;
- (c) the design and liveability of any dwelling uses; and
- (d) the provision of open space, including private patios and balconies, and useable common areas.

Table 2 - Floor Space Ratio

	Parcel 1	Parcel 2	Parcel 3
Maximum permitted Floor Space Ratio	2.00	3.15	2.11

5.3 The following will be included in the computation of floor space ratio:

- (a) all floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground level, to be measured to the extreme outer limits of the building; and
- (b) stairways, fire escapes, elevator shafts and other features which the Director of Planning considers similar, to be measured by their gross cross-sectional area and included in the measurements for each floor at which they are located.

5.4 The following will be excluded in the computation of floor space ratio:

- (a) open residential balconies or sun decks, and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that the total area of all exclusions does not exceed 8 percent of the residential floor area being provided;
- (b) patios and roof gardens for residential purposes only, provided that the Director of Planning first approves the design of sunroofs and walls;
- (c) where floors are used for off-street parking and loading, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which:
 - (i) are at or below the base surface, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length; or
 - (ii) are above the base surface and where developed as off street parking are located in an accessory building situated in the rear yard, provided that the maximum exclusion for parking space shall not exceed 7.3 m in length;
- (d) amenity areas, accessory to a residential use, including recreation facilities and meeting rooms, provided that the total area being excluded shall not exceed 40 m² for each development parcel, except in the case of non-market housing, where the area shall not exceed 100 m²;
- (e) areas of undeveloped floors located above the highest storey or half-storey, or adjacent to a storey or half-storey with a ceiling height of less than 1.2 m, and to which there is no permanent means of access other than a hatch; and
- (f) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit; [8760; 03 12 09]
- (g) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000. [8169; 00 03 14]

5.5 The Director of Planning may permit the following to be excluded in the computation of floor space ratio:

- (a) enclosed residential balconies, provided that the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any balcony enclosure subject to the following:
 - (i) the total area of all open and enclosed balcony or sun deck exclusions does not exceed eight percent of the residential floor area being provided: and
 - (ii) no more than fifty percent of the excluded balcony floor area may be enclosed.

6 Height

6.1 The maximum building height measured above the base surface is as set out in Table 3. subject to the relaxation of limitations on building height set out in Section 10.11.1 of the Zoning and Development By-law and provided that no storey exceeds 3.7 m measured from floor to floor and the average of all stories measured from floor to floor is 3.1 m.

Table 3 - Height

	Parcel 1	Parcel 2	Parcel 3
Maximum Height	4 storeys and 14.3 m	7 storeys and 21.9 m	4 storeys and 13.7 m

6.2 The Director of Planning may, for any building, permit a decorative roof, which may include items referred to in Section 10.11.1 of the Zoning and Development By-law, to exceed the maximum height otherwise specified in this Bylaw, provided that:

- (a) the Director of Planning is satisfied that the roof enhances the overall appearance of the building and appropriately integrates mechanical appurtenances:
- (b) the roof does not add to the floor area otherwise permitted: and
- (c) the Director of Planning first considers all applicable policies and guidelines adopted by Council.

7 Off-Street Parking and Loading

Off-street parking and loading must be provided, developed and maintained in accordance with the applicable provisions of the Parking By-law, except that for residential uses the provisions will apply as if the parcels are zoned RM-4, visitor parking must be provided to the satisfaction of the City Engineer, and the number of loading bays that must be provided will be determined by the Directory Planning in consultation with the City Engineer.

[7930; 98 07 28]

8 Acoustics

All development permit applications require evidence in the form of a report and recommendations prepared by a person trained in acoustics and current techniques of noise measurement, demonstrating that the noise levels in those portions of the dwelling units listed below do not exceed the noise level set opposite such portions. For the purposes of this section, the noise level is the A-weighted 24-hour equivalent (Leq) sound level and is defined simply as noise level in decibels.

Portions of dwelling units	Noise levels (Decibels)
bedrooms	35
living, dining, recreation rooms	40
kitchen, bathrooms, hallways	45

9 *[Section 9 is not reprinted here. It contains a standard clause including the Mayor and City Clerk's signature to pass the by-law and certify the by-law number and date of enactment.]*

